

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>NO. 4:21-CR-00276</b>
	:	
<b>v.</b>	:	<b>(Judge Matthew Brann)</b>
	:	
<b>COLTON OPPEL</b>	:	<b>(Electronically Filed)</b>

**MOTION TO DISMISS THE INDICTMENT**

AND NOW, comes the Defendant through counsel, Helen A. Stolas, of The Mazza Law Group, P.C. and states as follows:

1. On September 15, 2021, a Middle District of Pennsylvania Grand Jury returned an indictment against Colton Oppel charging twenty-five counts of possession of a firearm by a felon in violation of 18 U.S.C. § 922(g), one count of possession of a firearm with an obliterated serial number in violation of 18 U.S.C. § 922(k), and one count of possession of a firearm which is not registered in the National Firearms Registration and Transfer Record in violation of 26 U.S.C. § 5861(d).
2. On September 21, 2021, Defendant appeared before United States Magistrate Judge William I. Arbuckle for an initial appearance and arraignment, pleaded not guilty and was detained.

3. This motion to dismiss the Indictment is based on recent developments in Second Amendment law since the Supreme Court's decision in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), and the *en banc* decision of the Third Circuit Court of Appeals in *Range v. Attorney General of the United States*, 69 F. 4<sup>th</sup> 96 (3<sup>rd</sup> Cir. 2023).

4. Colton Oppel asserts that 18 USC § 922(g), § 922(k) and 26 U.S.C. § 5861(d) are unconstitutional, both as applied to the facts and circumstances of this case.

5. Under the Third Circuit's recent *en banc* decision in *Range*. Oppel would be considered one of "the people" who retain Second Amendment rights to possess firearms.

6. Oppel's purported disqualification from firearm possession under § 922(g) is analogous to *Range*, even given a narrow interpretation of that decision and its facts.

7. Restrictions on possession of firearms with obliterated serial numbers (§ 922k) are inconsistent with our Nation's historical traditions.

8. Restrictions on possession of firearms that have not been registered in the National Firearms Registration and Transfer Record (§ 5861(d)) are inconsistent with our Nation's historical traditions.

Wherefore, Defendant respectfully requests that this Honorable Court dismiss the indictment.

Respectfully submitted,

s/Helen A. Stolin

Helen A. Stolin

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**CERTIFICATE OF NON-CONCURRENCE**

I, Helen A. Stolas, do hereby certify that Assistant United States Attorney Geoffrey MacArthur does not concur in the foregoing motion.

October 24, 2023

s/Helen A. Stolas  
Helen A. Stolas  
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*Attorney for Defendant,  
Colton Oppel*

**CERTIFICATE OF SERVICE**

I, Helen A. Stolin, Esquire, do hereby certify that this document, the foregoing **Motion to Dismiss the Indictment**, filed electronically through the ECF system will be sent to the registered Participants as identified on the Notice of Electronic Filing, including the following:

Geoffrey MacArthur, Esquire  
Assistant United States Attorney

and by placing the same in the United States mail, first class, postage prepaid, at Williamsport, Pennsylvania, addressed to the following:

Colton Oppel

October 24, 2023

s/Helen A. Stolin  
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